

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:08-CV-530 (CEJ)
)	
GENERAL SITE SERVICES, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' motion to compel an accounting, following an entry of default against defendant General Site Services, LLC.

Plaintiffs bring this action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1974, as amended, 29 U.S.C. § 185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132. Plaintiffs are four employee benefit plans (the Pension, Vacation, Welfare, and Training funds), their trustees (collectively, the plans), and Local Unions Nos. 42, 53, and 110, Laborers International Union of North America (the union). They seek an order compelling defendant General Site Services, LLC, to submit to an audit for the period of October 10, 2005, to the present.

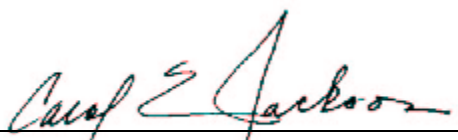
According to the affidavit of Bernard Difani, administrative manager for the plans, defendant is delinquent in submitting reports and contributions to the plans as required under the terms of a collective bargaining agreement entered into on October 10, 2005. Defendant was served with the summons and complaint on May 1, 2008, and has not filed an answer or otherwise appeared in this matter. The Clerk of Court has entered default against the defendant.

Plaintiffs move for an order compelling an accounting pursuant to Rule 55(b)(2), Fed.R.Civ.P., in order to determine the amount of damages. Plaintiffs have established that defendant General Site Management, LLC, is bound by a collective bargaining agreement with the Laborers Local 42-53-110. The agreement requires signatories to submit contributions to the funds, see § 5.04 (Pension fund), § 5.03 (Welfare fund), § 5.05 (Vacation fund), and § 5.06 (Training and Apprenticeship fund), and authorizes plaintiffs to examine the financial records to ascertain whether the required contributions were made. See § 5.11 (Audits and Suits to Collect Contributions). The only means by which plaintiffs can determine the amount owed is through such financial compliance examination.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default order to compel an accounting [Doc. #3] is **granted**.

IT IS FURTHER ORDERED that defendant General Site Management, LLC, shall, not later than **August 11, 2008**, produce for inspection by plaintiffs its books and records for the period of October 10, 2005 to the present.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 1st day of July, 2008.